

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK  
ROCHESTER DIVISION**

CLINTON STRANGE,  
Plaintiff

**18 CV 6570 FPG**

v.



ORTIZ CAPITAL LLC,  
a New York Domestic Limited Liability Company  
&  
OSCAR T. ORTIZ III,  
Owner / Operator of Ortiz Capital, LLC  
Defendants

**Civil Action:**

**Complaint for Violations of the:**

**Telephone Consumer Protection Act 47 U.S.C. § 227**

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**Demand for Jury Trial**

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**Preliminary Statement:**

This is an action brought by an adult individual who is a natural person against Defendant Ortiz Capital LLC and its Owner / Operator Oscar T. Ortiz III for violations of the Telephone Consumer Protection Act of 1991 ("TCPA"), under the following U.S. Federal Statutes:

Telephone Consumer Protection Act 47 U.S.C. § 227(c)(5);

&

Telephone Consumer Protection Act 47 U.S.C. § 227(b)(1)(a)(iii)

)

**Jurisdiction of this Court arises under:**

Telephone Consumer Protection Act 47 U.S.C. § 227

Because the action brought involves Federal Question Jurisdiction.

)

**Venue Lies Properly in This Court:**

Pursuant to 47 U.S.C. § 227(g)(4) & 28 U.S.C § 1391.

**Parties:**

Plaintiff Clinton Strange is an adult individual residing at the address of:

Clinton Strange  
7021 Winburn Drive  
Greenwood, LA 71033

Defendant Ortiz Capital LLC is a New York Domestic Limited Liability Company who according to the New York Department of State Division of Corporations is listed as:

ORTIZ CAPITAL LLC  
151 Kim Lane  
Rochester, NY 14626

&

Whose Registered Agent is Listed as:

NONE

Defendant Oscar T. Ortiz III, on information and belief, is the Owner/Operator of Ortiz Capital LLC and resides at the same address as listed by the NY Dept. of State for the listed entity Ortiz Capital LLC.

151 Kim Lane  
Rochester, NY 14626

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**Factual Allegations:**

1. Plaintiff's cellphone number 318-423-5057 is registered on the Federal Do-Not-Call listing, and has been so registered since at least 01/03/2018 *See Exhibit A*.
2. Plaintiff never provided his cellphone number to Defendants or consented to be contacted by any means on his cellphone number 318-423-5057 by the Defendants listed herein.
3. Plaintiff does not like to receive unwanted commercial phone calls, texts, or SMS/MMS messages on his cellphone because they "intrude on his seclusion and violate his rights to privacy guaranteed under the U.S. Constitution", and further deplete Plaintiff's mobile device's memory storage capacity, deplete Plaintiff's battery level on his cellphone, and require him to use a measurable amount of mental and physical energy to review the contents of the unwanted SMS text spams. Plaintiff alleges that [he] has Article III standing under the Constitution of the United States of America as a result of Defendants' alleged conduct. Also, that conduct meets at least the definition of the Tort of Conversion of Plaintiff's Chattel [i.e. his cellular telephone].
4. Plaintiff Clinton Strange is the wireless cellphone subscriber to the number 318-423-5057 and is financially responsible for the Verizon Wireless Account herein.
5. Plaintiff alleges that the Defendants or alternatively a 3<sup>rd</sup> Party Marketing Company hired by the Defendants sent more than one text message to the Plaintiff on his cellphone number 318-423-5057 within a 12-month period.
6. Plaintiff alleges that Defendants or alternatively a 3<sup>rd</sup> Party Marketing Company acting as an 'Agent' under the common law of agency for Defendants utilized an Automatic Telephone Dialing System ("ATDS") to send unwanted / unsolicited SMS / MMS text spam messages to Plaintiff's cellphone number 318-423-5057.

7. On 12/05/2017 at 10:43am CDT Defendants allegedly sent Plaintiff a Text Spam Message from Short Code number 61990 (*See Exhibit B*) that read:

Open Spots now available Clinton, You can start today. Full or Part Time options. Go here [canstartnow.com](http://canstartnow.com) Text END to stop

8. The text message from 12/05/2017 was sent to Plaintiff's cellphone number 318-423-5057 *See Exhibit C*.
9. The text message from 12/05/2017 contained Message Details than can be examined by viewing *Exhibit D*.
10. The text message Plaintiff alleges was sent by the Defendants on 12/05/2017 contained Hyperlink/s that directed Plaintiff to Defendants' website *See Exhibit E*.
11. On 05/19/2018 at 4:12 pm CDT Defendants allegedly sent Plaintiff a Text Spam Message from Long Code number 732-242-5670 (*See Exhibit F*) that read:
- Good, just got my 1<sup>st</sup> check and it's funds I earned online, start now:  
[m0neybizet.us/ppnk?c=1p0kf7](http://m0neybizet.us/ppnk?c=1p0kf7)  
Reply cancel to stop
12. The text message from 05/19/2018 was sent to Plaintiff's cellphone number 318-423-5057 *See Exhibit G*.
13. The text message from 05/19/2018 contained Message Details that can be examined by viewing *Exhibit H*.
14. The text message Plaintiff alleges was sent by the Defendants on 05/19/2018 contained a Hyperlink that directed Plaintiff to Defendants' website *See Exhibit I*.

15. *Exhibit J* is a screenshot of the bottom of the webpage for [myezmoneyteam.com](http://myezmoneyteam.com) which contains a Hyperlink to [www.IncomeEnginelite.com](http://www.IncomeEnginelite.com)
16. On 05/20/2018 at 3:03pm CDT Plaintiff alleges that the Defendants sent a text message to Plaintiff's cellphone from Long Code number 410-696-0324(*See Exhibit K*) that read:  
14 days is all it takes to begin with a new financially secure you.  
Begin here: [makemoneyindex.us/nhu1?c=3tgejk](http://makemoneyindex.us/nhu1?c=3tgejk)
17. The text message sent by Defendants on 05/20/2018 as Plaintiff alleges was sent to his cellphone number 318-423-5057 *See Exhibit L*.
18. The Text message Plaintiff alleges was sent by Defendants on 5/20/2018 contained a Hyperlink to [mswsys.com](http://mswsys.com) *See Exhibit M*.
19. The text message from 05/20/2018 contained Message Details that be examined by viewing *Exhibit N*.
20. The following websites are or have been owned, registered, licensed and or Operated under the control of the Defendants herein *See Exhibit O*:  
[mswsys.com](http://mswsys.com)  
[incomeenginelite.com](http://incomeenginelite.com)  
[myezmoneyteam.com](http://myezmoneyteam.com)  
[systemmsw.com](http://systemmsw.com)
21. On or about January 17, 2013 at 12:29pm EDT Defendant Oscar T. Ortiz III filed a Certificate of Individual Doing Business Under Assumed Name Certificate with the Office of Monroe County Clerk's Office *See Exhibit P*. That document lists ORTIZ CAPITAL as the assumed name d/b/a:  
OSCAR ORTIZ III  
D/B/A ORTIZ CAPITAL  
33 GENTRY CIRCLE  
ROCHESTER, NY 14626

22. On April 11, 2017 according to the New York Department of State Division of Corporations listed a Department of State Filing (*See Exhibit Q*) for:  
ORTIZ CAPITAL LLC

151 KIM LANE  
ROCHESTER, NY 14626

23. Defendant Oscar T. Ortiz III according to the Monroe County Tax Office (*See Exhibit R*) owns the property at:

151 Kim Ln  
Rochester, NY 14626

24. Defendant Oscar T. Ortiz III is the sole owner and operator of all the listed websites and entities listed herein and as the officer and director of each of these entities is individually liable to the Plaintiff herein for violations of the TCPA as alleged and referenced heretofore.

25. Defendants utilize an Automated Telephone Dialing System Technology Platform that conceals where the 'calls' are originating from:  
With Regard to the 05/19/2018 Text the area code is 732 (New Jersey).  
With Regard to the 05/20/2018 Text the area code is 410 (Maryland).

26. Plaintiff dispatched a communication to Defendants by U.S. Mail on 06/23/2018 advising them to cease and desist from sending unwanted SMS text spam to the Plaintiff on his cellphone number 318-423-5057 *See Exhibit S*.

27. Plaintiff also requested in the written communication to the Defendants on 06/23/2018 that they send to Plaintiff a copy of their Company's Do-Not-Call policy, but no response to his written communications have been received at all or by any means, However the text messages did stop coming.

28. Plaintiff alleges that by Defendants' failure to Provide him with a copy of their Do-Not-Call policy indicates that they have no internal policy regarding privacy rights of consumers like the Plaintiff herein.

29. The Telephone Consumer Protection Act 47 U.S.C. § 227(b)(1)(a)(iii) states in part that:

**(b) RESTRICTIONS ON USE OF AUTOMATED TELEPHONE EQUIPMENT**

**(1) PROHIBITIONS** It shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States

**(A)** to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice

**iii)**

to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call, unless such call is made solely to collect a debt owed to or guaranteed by the United States

30. The Telephone Consumer Protection Act 47 U.S.C. § 227(c)(5) states in part that:

**(c) PROTECTION OF SUBSCRIBER PRIVACY RIGHTS**

**(5) PRIVATE RIGHT OF ACTION** A person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under this subsection may, if otherwise permitted by the laws or rules of court of a State bring in an appropriate court of that State—

**(A)**

an action based on a violation of the regulations prescribed under this subsection to enjoin such violation,

**(B)**

an action to recover for actual monetary loss from such a violation, or to receive up to \$500 in damages for each such violation, whichever is greater,  
or

**(C)**

both such actions.

31. Courts have upheld that Defendants are liable for the actions of 3<sup>rd</sup> parties when [they] hire 3<sup>rd</sup> party companies to market their products and services.

*See Krakauer v. Dish Network LLC*, No. 1:14-CV-00333, M.D.N.C.;

&



*United States of America et al v. Dish Network LLC*, No. 3:09-CV-03073,  
C.D. Ill.

32. The term “‘agency’ means more than mere passive permission; it involves request, instruction, or command.” *See Taco Bell I*, 879 F. Supp. 2d at 1084.

33.

34. The Telephone Consumer Protection Act 47 U.S.C. § 227(e)(1) states in part that:  
**(1) IN GENERAL**

It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).

35. The Plaintiff believes that the conduct of the Defendant’s and or their 3<sup>rd</sup> Party marketing partners arises to a level worthy of Trebled Damages under the TCPA.

36. The TCPA provides at 47 U.S.C. § 227(b)(3)(C) in part that trebled damages can be awarded by the court for willful and / or knowing violations by the Defendant:

**C)**

both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection, or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

37. At all times pertinent hereto Defendants were acting by and through their agents, servants and / or employees who were acting within the course and scope of their agency or employment, and under the direct supervision and control of the Defendants herein.

38. At all times pertinent hereto, the conduct of the Defendants, as well as that of their agents, servants and/ or employees was intentional, reckless, and in

grossly negligent disregard for Federal Laws and the rights of the Plaintiff herein.

**Count I:**

41. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

42. At all times pertinent hereto the Defendants were liable to the Plaintiff for violations of:

Telephone Consumer Protection Act 47 U.S.C. § 227(c)(5)

Which makes Defendants liable to Plaintiff for at least 2 trebled violations as evidenced in the complaint and Plaintiff seeks \$3,000 in damages for said violations.

**Count II:**

43. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

44. At all times pertinent hereto the Defendants were liable to the Plaintiff for violations of:

Telephone Consumer Protection Act 47 U.S.C. § 227(b)(1)(a)(iii)

Which makes Defendants liable to Plaintiff for at least 3 trebled violations as evidenced in the complaint and Plaintiff seeks \$4,500 in damages for said violations.

**Jury Trial Demand;**

Plaintiff demands trial by jury on all issues so triable.

**Prayer for Relief;**

WHEREFORE, Plaintiff seeks judgement in Plaintiff's favor and damages against the Defendant, based on the following requested relief:

Statutory Damages;

Treble Damages;

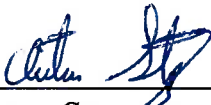
Stacked Damages;

Enjoinder from further violations of these parts;

Costs of litigating the action together along with all reasonable attorney's fees (if any) and court costs;

And such other and further relief as may be necessary, just and proper.

Respectfully Submitted,

X 

Clinton Strange

Pro Se

7021 Winburn Drive

Greenwood, LA 71033

318-423-5057

[parsmllc@gmail.com](mailto:parsmllc@gmail.com)

8-6-2018

Dated

## EXHIBIT A

3/2018

National Do Not Call Registry



FEDERAL TRADE COMMISSION  
PROTECTING AMERICA'S CONSUMERS



National Do Not Call Registry

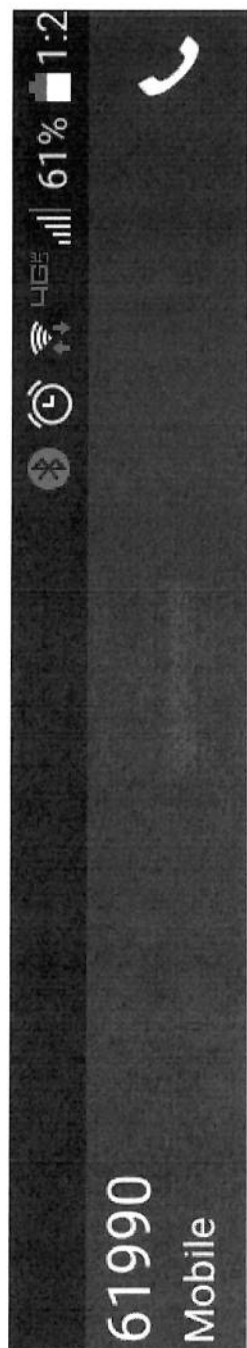
En Español

You have registered the following telephone number in the National Do Not Call Registry:

(318) 423-5057

You may print this page if you wish to retain a copy for your records.

## **EXHIBIT B**



12/5/17 10:43 AM

Open Spots now available Clinton , You can start today. Full  
r Part Time options. Go here [canstartnow.com](http://canstartnow.com) Text END to  
top



Type a message...



12/5/17 10:43 AM

Open Spots now available  
Clinton , You can start today.  
Full or Part Time options. Go  
here [canstartnow.com](http://canstartnow.com) Text  
END to stop

12/29/17 12:52 PM

Clinton, Would you like auto  
insurance as low as \$29 to \$34  
a month? If Yes, Visit:  
[yescheapinsurance.com](http://yescheapinsurance.com) Text  
END to stop Messages



## EXHIBIT C

## Message Info

---

From **61990**

Received **12/5/17 10:43 AM**

Type **Text message**

Size **123 bytes**

---

## Sent To



Me

Mobile: 3184235057

---

**VIEW DETAILS**

**CLOSE**

## EXHIBIT D

### **Message Info**

**From 61990**

**Received 12/5/17 10:43 AM**

**Type Text message**

**Size 123 bytes**

**Uid 748464942**

**Message Source Phone**

**Thread Id 89**

**Native Thread Id 92**

**Msg DB Id 793**

**Native Id 590**

**Date Time Dec 05 10:43:57 CST 2017**

**HIDE DETAILS**

**CLOSE**

## EXHIBIT E



/systemmsw.com

3



**Want to make \$500  
a Day?**

Click The Play Button To Start The Video

Enter your email below  
*and it's yours.*



**Check Availability NOW!**

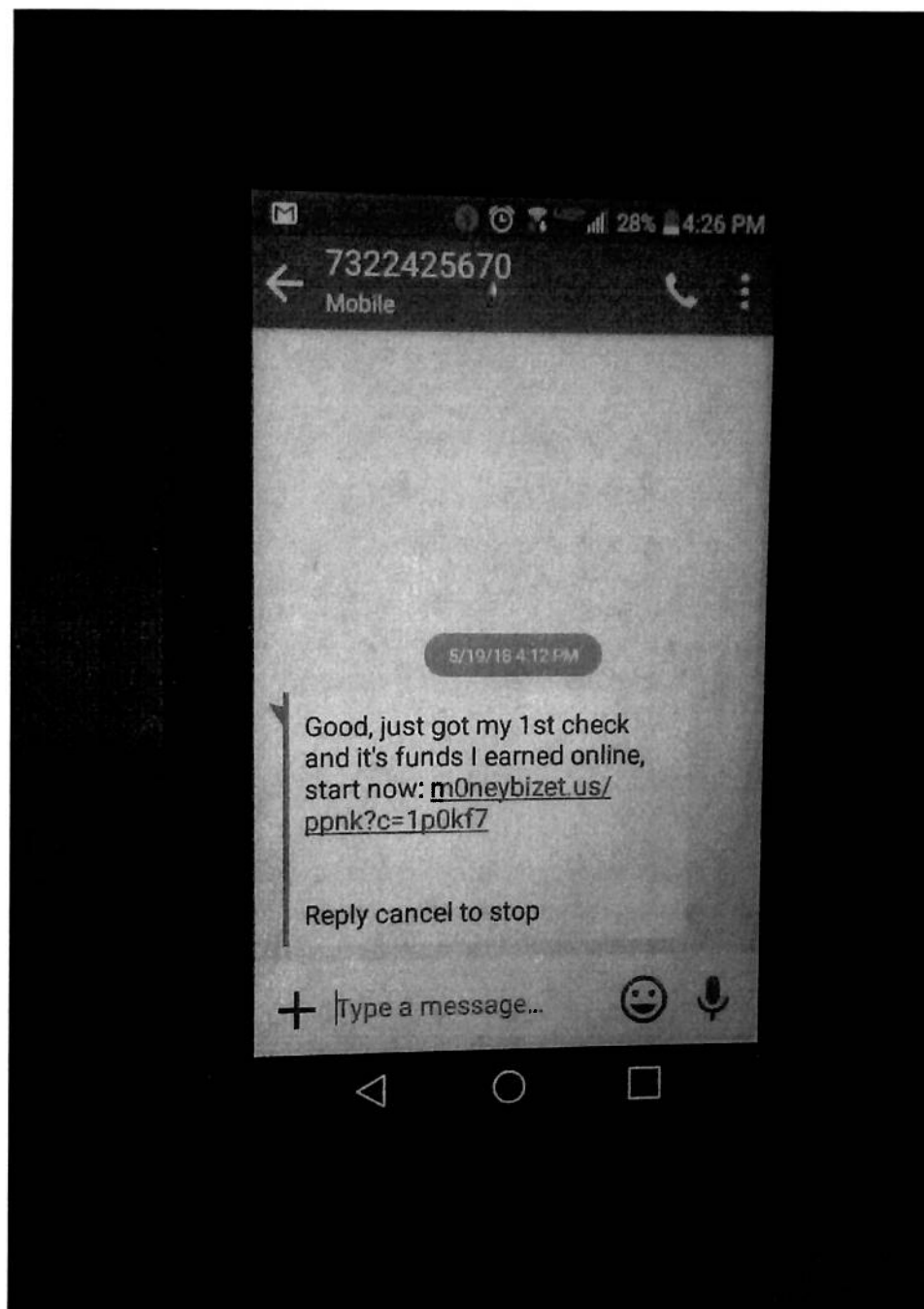
Enter Your Details Below and Click The



**Nicole from Illinois**

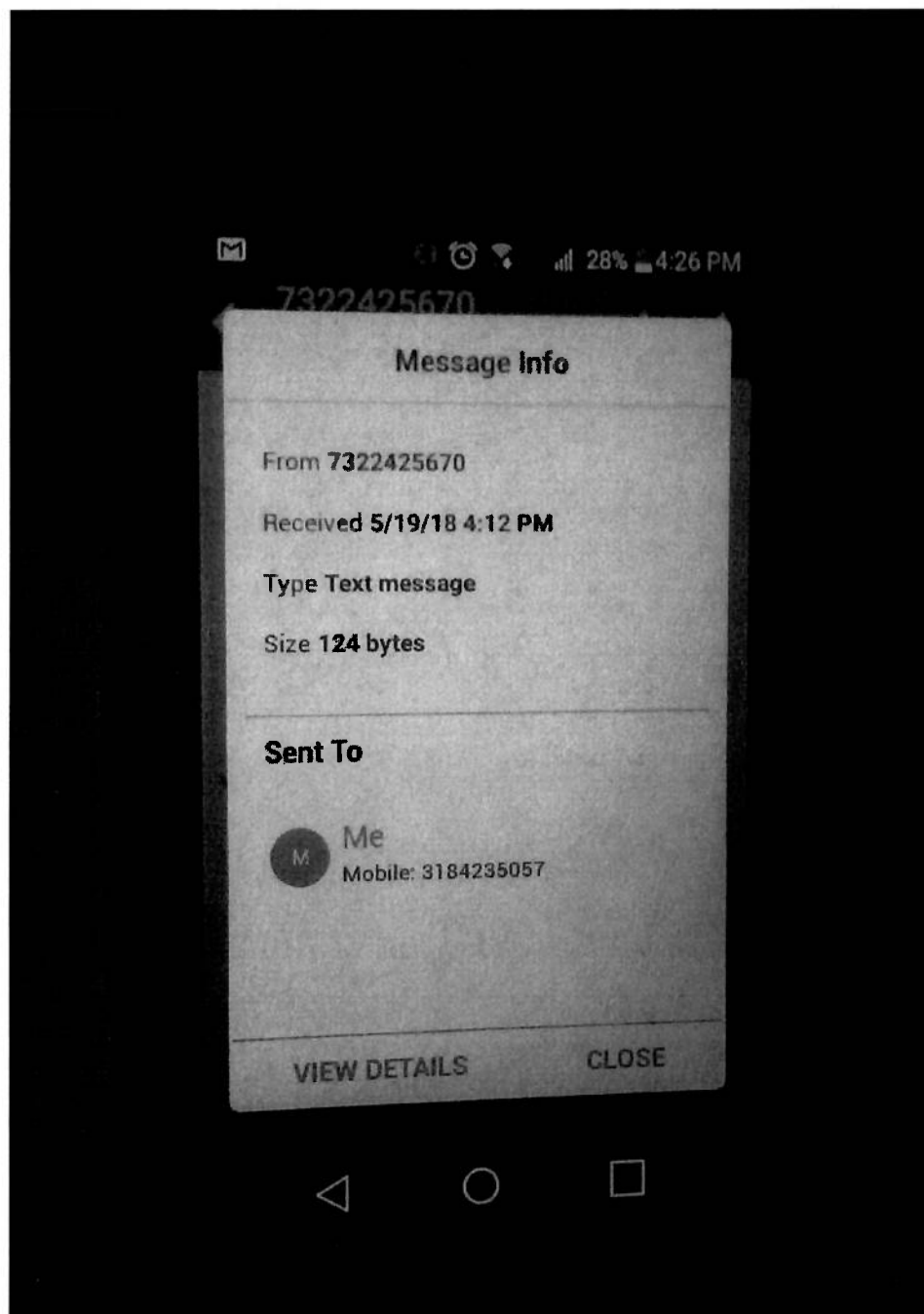
Recently Started to Make Money from Home!

## EXHIBIT F

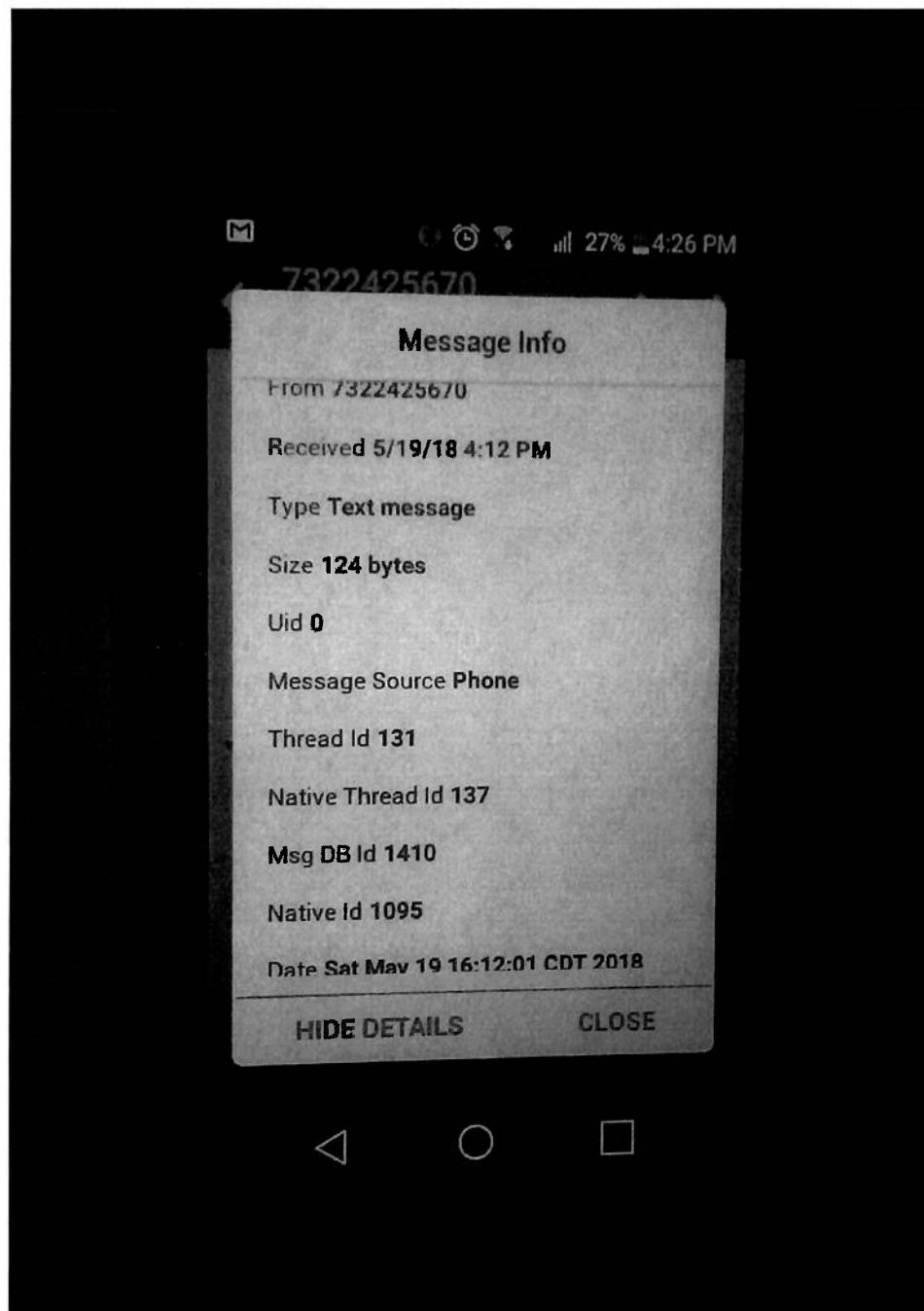




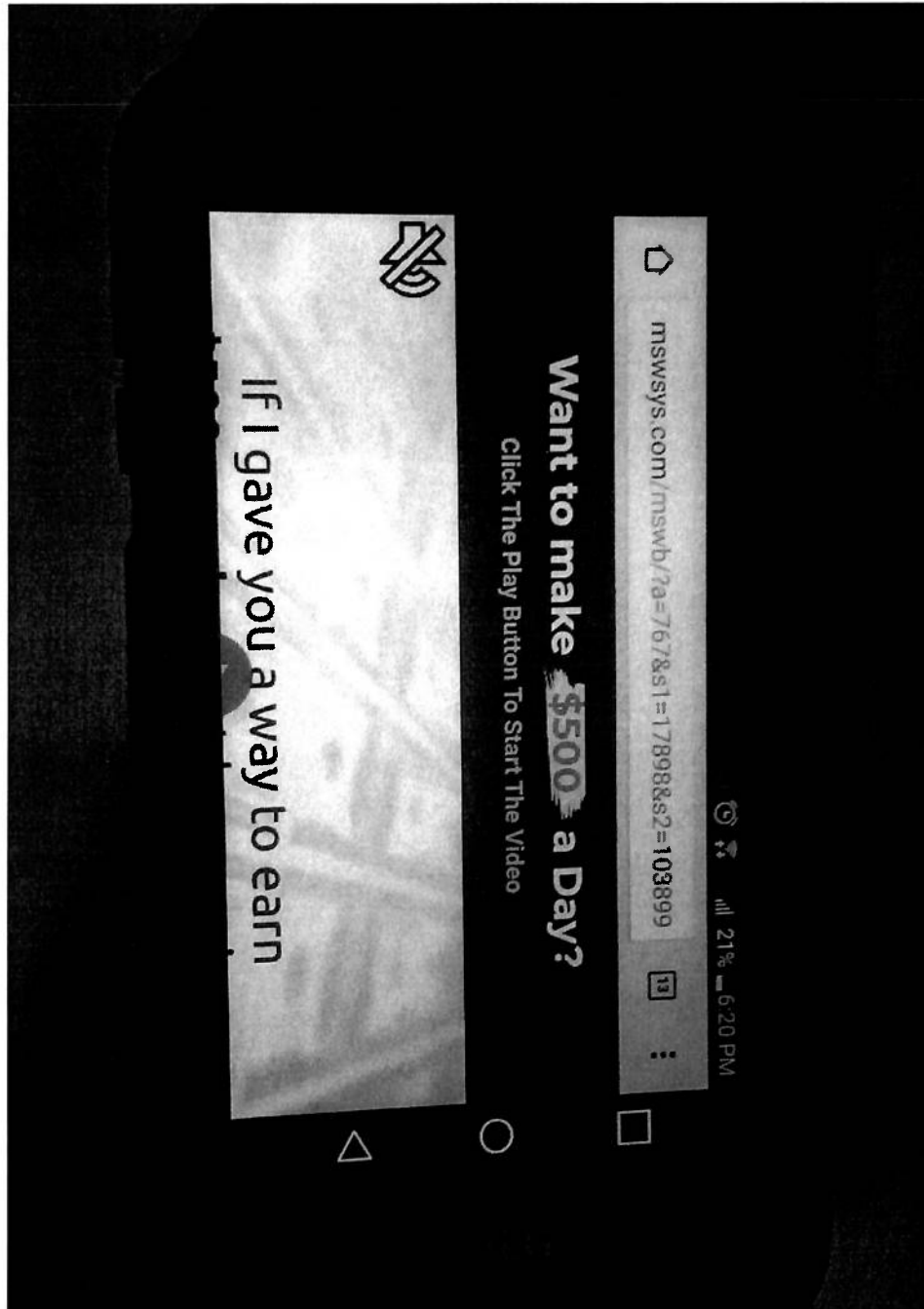
## EXHIBIT G

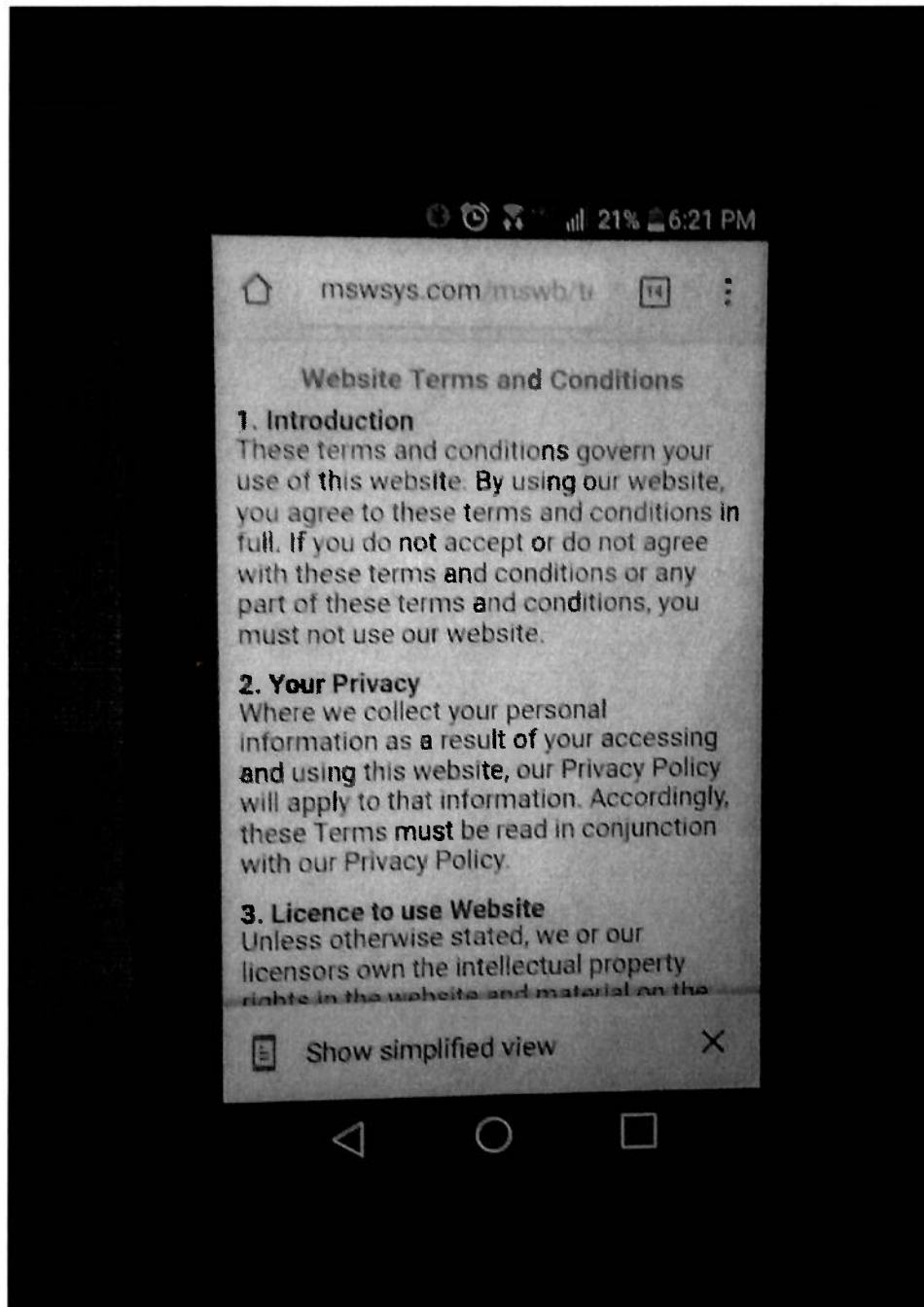


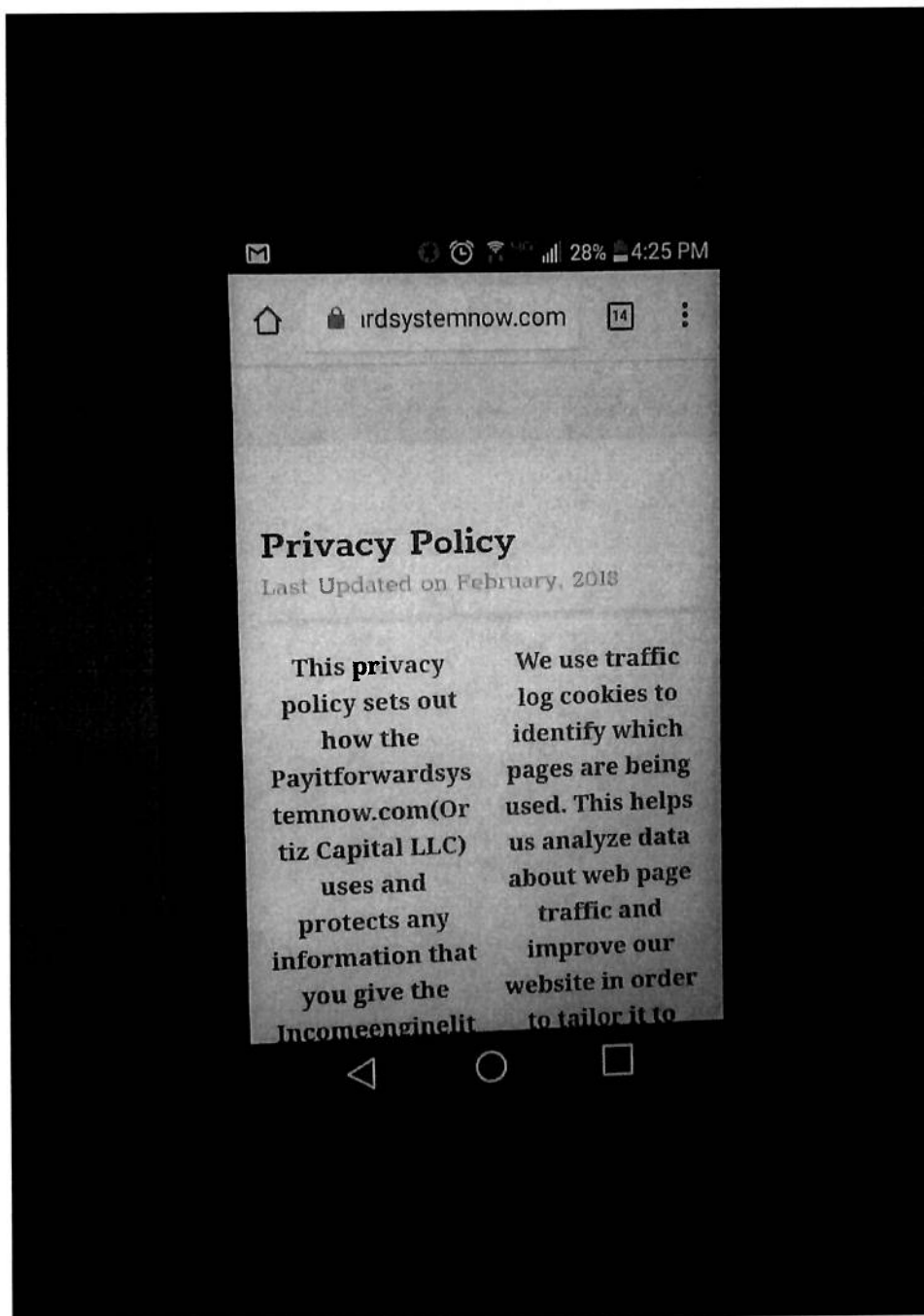
## EXHIBIT H



## EXHIBIT I

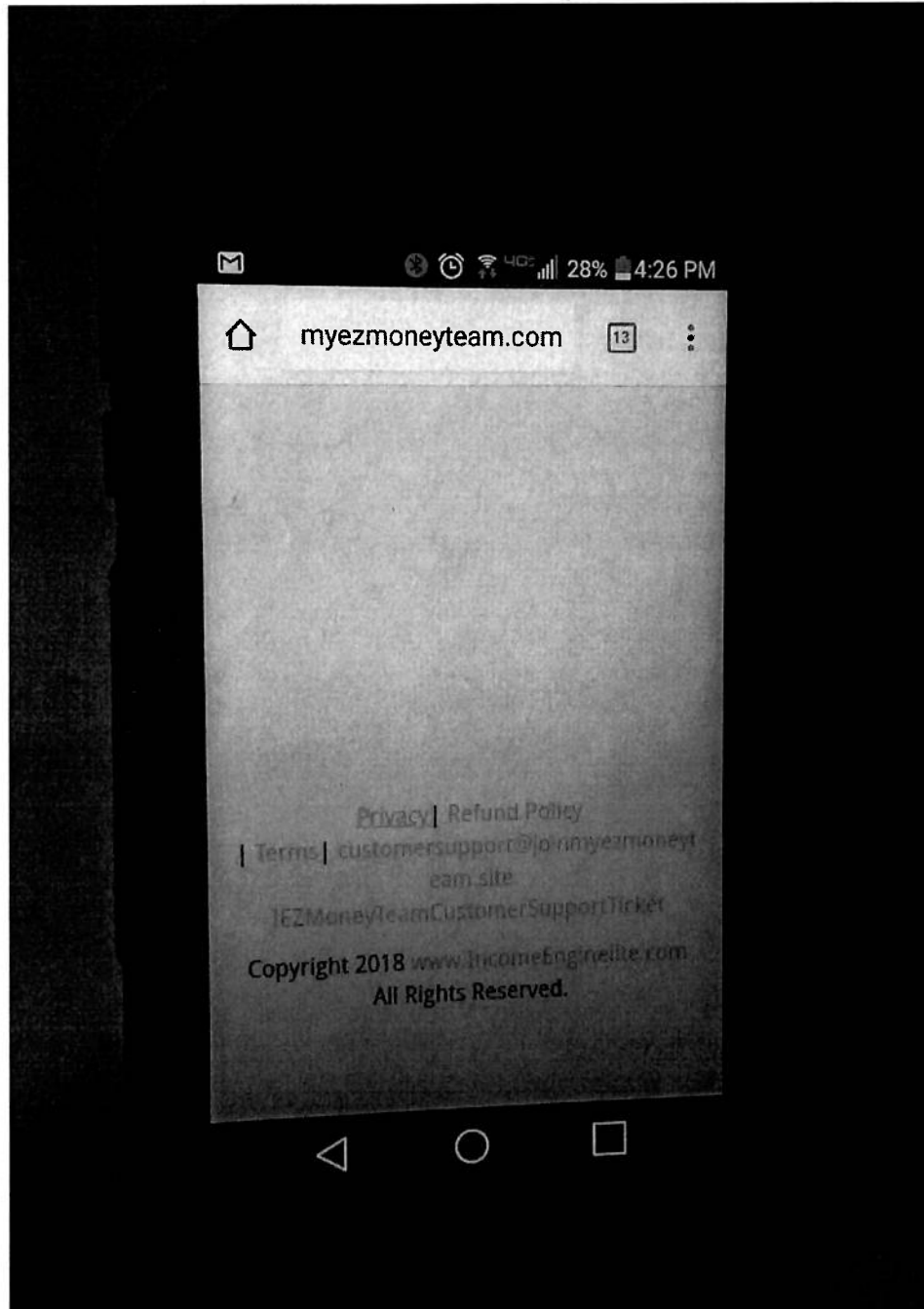




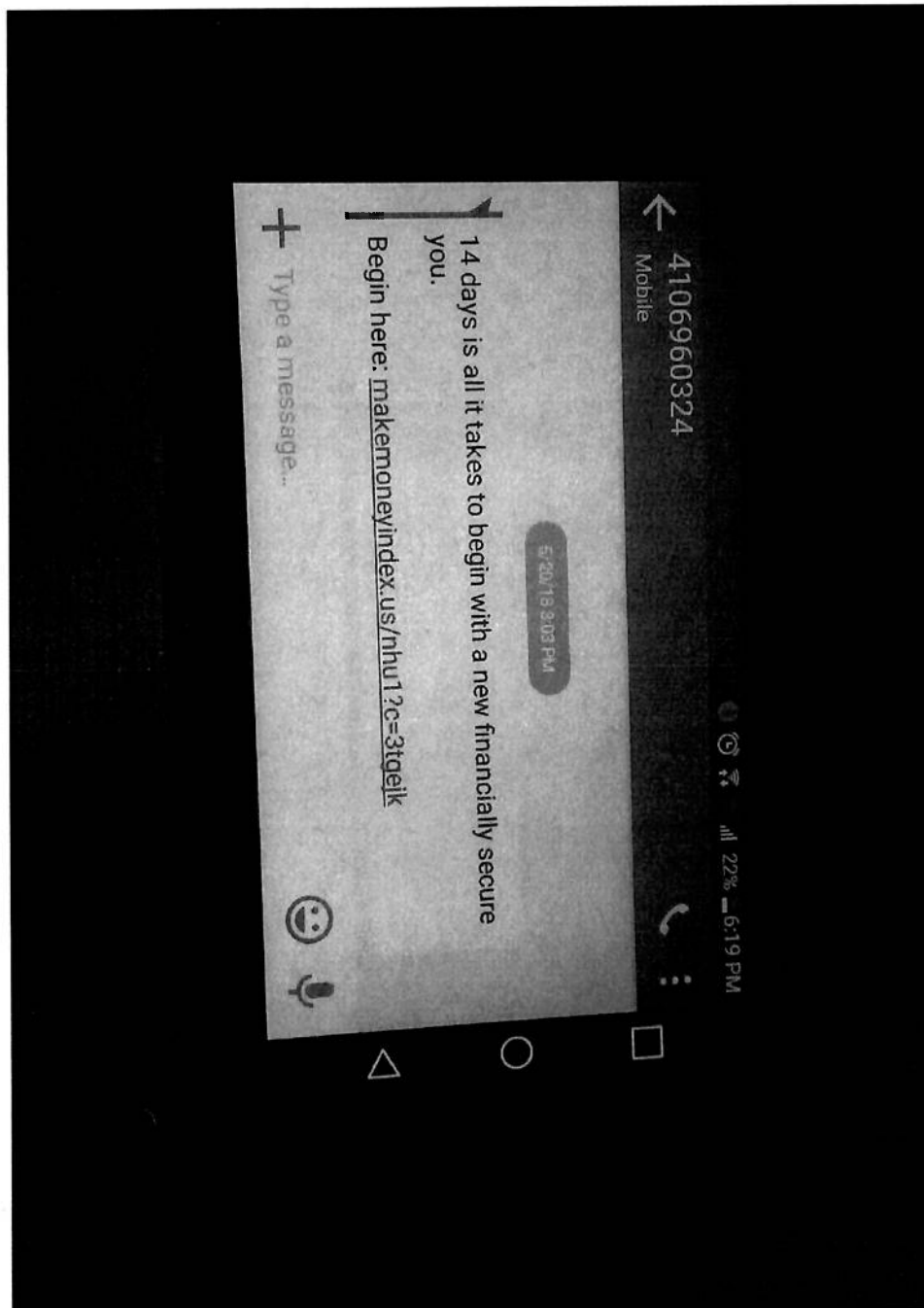




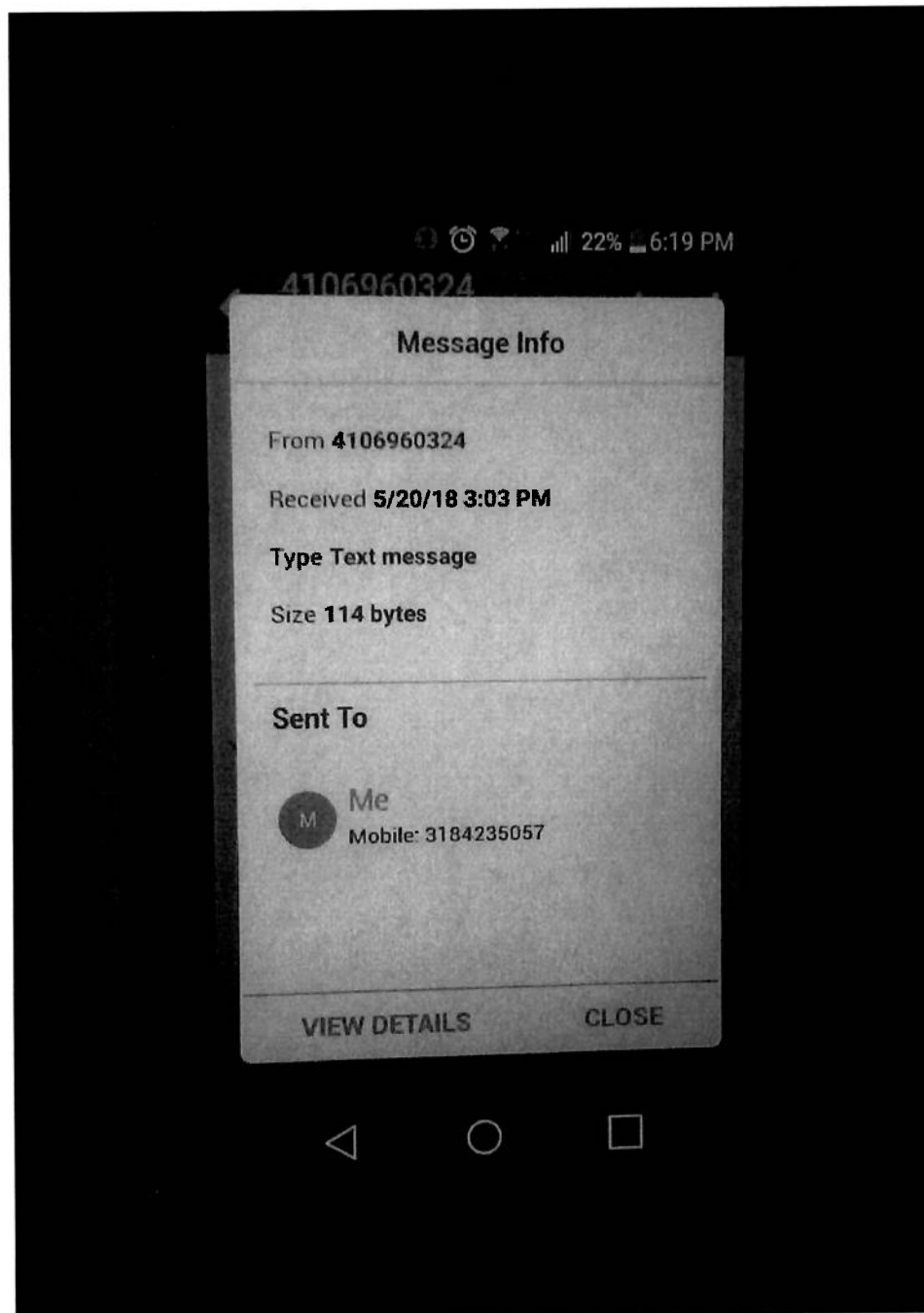
## EXHIBIT J



## EXHIBIT K



## EXHIBIT L



## EXHIBIT M

🔒 <https://systemmsw.com/mswb/?a=767&s1=179> 4

# Want to make **\$500** a Day?

Click The Play Button To Start The Video



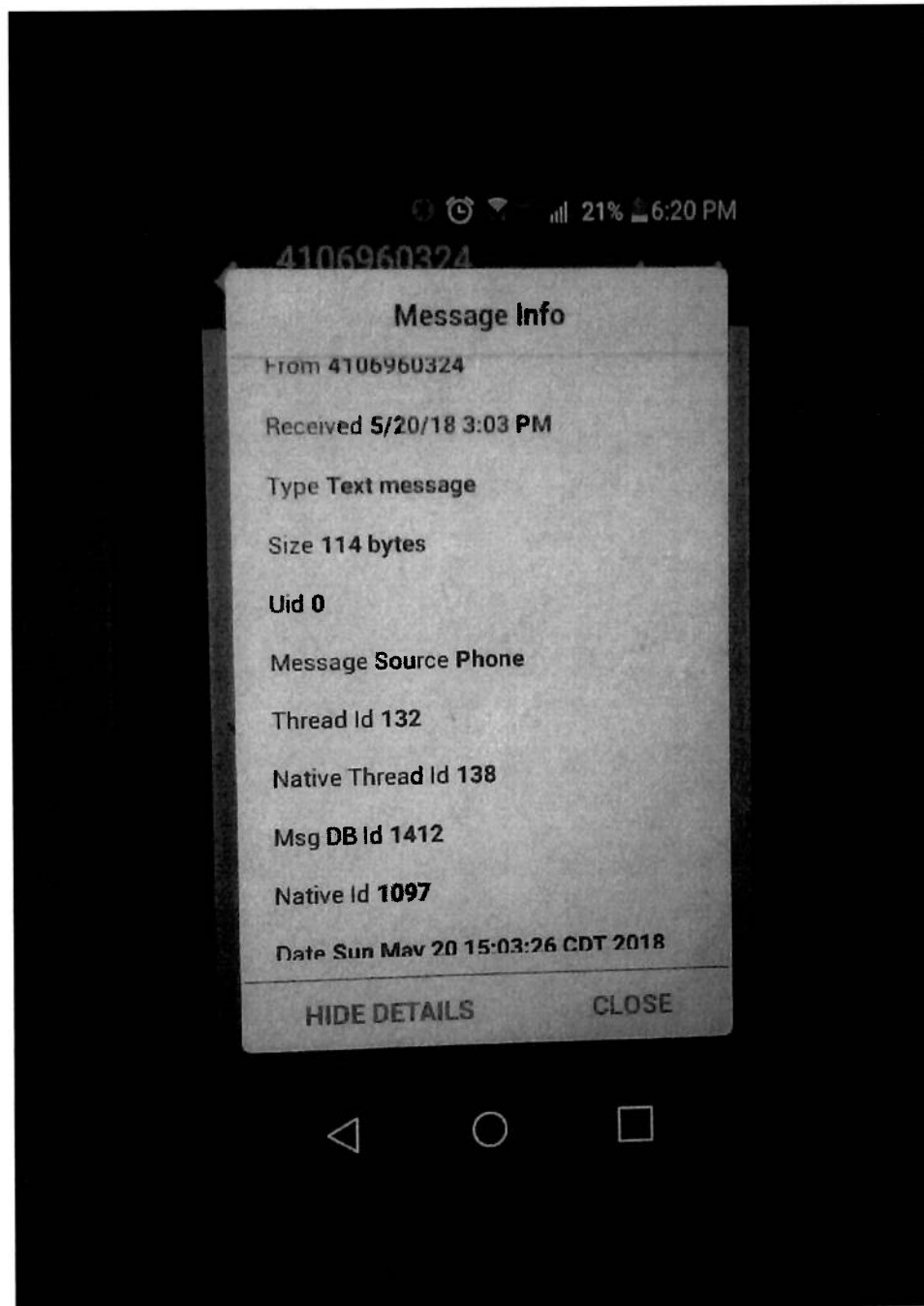
**Anthony from Utah**

Recently Started to Make Money from Home!

10 Days Ago



## EXHIBIT N



2

## EXHIBIT O



Q WHOIS

DOMAINS HOSTING CLOUD <sup>NEW</sup> WEBSITES EMAIL SECURITY WHOIS SUPPORT

LOGIN



mswsys.com

Updated 5 days ago

## DOMAIN INFORMATION

Domain: mswsys.com  
Registrar: NameCheap Inc.  
Registration Date: 2018-04-29  
Expiration Date: 2019-04-29  
Updated Date: 2018-04-29  
Status: clientTransferProhibited  
Name Servers: ns-1441.awsdns-52.org  
ns-154.awsdns-19.com  
ns-2037.awsdns-62.co.uk  
ns-995.awsdns-60.net

## REGISTRANT CONTACT

Name: WhoisGuard Protected  
Organization: WhoisGuard, Inc.  
Street: P.O. Box 0823-03411  
City: Panama  
State: Panama  
Country: PA  
Phone: +507.8365503  
Fax: +51.17057182  
Email: bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com

## ADMINISTRATIVE CONTACT

Name: WhoisGuard Protected  
Organization: WhoisGuard, Inc.  
Street: P.O. Box 0823-03411  
City: Panama  
State: Panama  
Country: PA  
Phone: +507.8365503  
Fax: +51.17057182  
Email: bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com

## TECHNICAL CONTACT

Name: WhoisGuard Protected  
Organization: WhoisGuard, Inc.  
Street: P.O. Box 0823-03411  
City: Panama  
State: Panama  
Country: PA  
Phone: +507.8365503  
Fax: +51.17057182  
Email: bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com

## RAW WHOIS DATA

Domain name: mswsys.com  
Registry Domain ID: 2258153569\_DOMAIN\_COM-VRSN  
Registrar WHOIS Server: whois.namecheap.com  
Registrar URL: http://www.namecheap.com

Sale

.live

~~\$23.88~~ \$1.98

BUY NOW

\*Offer ends 31st July 2018

Hot Deals!

.store

.STORE @ \$2.88 ~~\$60.88~~

Introducing

WORDPRESS  
HOSTING

\$3.58 /mo



BUY NOW

Updated Date: 2018-04-29T10:05:54.00Z  
 Creation Date: 2018-04-29T09:56:44.00Z  
 Registrar Registration Expiration Date: 2019-04-29T09:56:44.00Z  
 Registrar: NAMECHEAP INC  
 Registrar IANA ID: 1068  
 Registrar Abuse Contact Email: [abuse@namecheap.com](mailto:abuse@namecheap.com)  
 Registrar Abuse Contact Phone: +1.6613102107  
 Reseller: NAMECHEAP INC  
 Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>  
 Domain Status: addPeriod <https://icann.org/epp#addPeriod>  
 Registry Registrant ID:  
 Registrant Name: WhoisGuard Protected  
 Registrant Organization: WhoisGuard, Inc.  
 Registrant Street: P.O. Box 0823-03411  
 Registrant City: Panama  
 Registrant State/Province: Panama  
 Registrant Postal Code:  
 Registrant Country: PA  
 Registrant Phone: +507.8365503  
 Registrant Phone Ext:  
 Registrant Fax: +51.17057182  
 Registrant Fax Ext:  
 Registrant Email: [bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com](mailto:bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com)  
 Registry Admin ID:  
 Admin Name: WhoisGuard Protected  
 Admin Organization: WhoisGuard, Inc.  
 Admin Street: P.O. Box 0823-03411  
 Admin City: Panama  
 Admin State/Province: Panama  
 Admin Postal Code:  
 Admin Country: PA  
 Admin Phone: +507.8365503  
 Admin Phone Ext:  
 Admin Fax: +51.17057182  
 Admin Fax Ext:  
 Admin Email: [bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com](mailto:bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com)  
 Registry Tech ID:  
 Tech Name: WhoisGuard Protected  
 Tech Organization: WhoisGuard, Inc.  
 Tech Street: P.O. Box 0823-03411  
 Tech City: Panama  
 Tech State/Province: Panama  
 Tech Postal Code:  
 Tech Country: PA  
 Tech Phone: +507.8365503  
 Tech Phone Ext:  
 Tech Fax: +51.17057182  
 Tech Fax Ext:  
 Tech Email: [bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com](mailto:bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com)  
 Name Server: ns-154.awsdns-19.com  
 Name Server: ns-995.awsdns-60.net  
 Name Server: ns-2037.awsdns-62.co.uk  
 Name Server: ns-1441.awsdns-52.org  
 DNSSEC: unsigned  
 URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>  
 >>> Last update of WHOIS database: 2018-07-16T03:25:10.99Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

## related domain names

[namecheap.com](http://namecheap.com) [icann.org](http://icann.org) [awsdns-52.org](http://awsdns-52.org) [awsdns-19.com](http://awsdns-19.com) [awsdns-62.co.uk](http://awsdns-62.co.uk) [awsdns-60.net](http://awsdns-60.net)  
[whoisguard.com](http://whoisguard.com) [internic.net](http://internic.net)

<b>Domains</b>	<b>Hosting &amp; Products</b>	<b>Follow us</b> 
Register Domain Name	Linux Hosting	<input type="text" value="Enter a Domain Name"/> 
Transfer Domain Name	Windows Hosting	
View Domain Pricing	Wordpress Hosting	
Bulk Domain Register	Linux Reseller Hosting	
Whois Lookup	Windows Reseller Hosting	
Name Suggestion Tool	Virtual Private Servers	<input type="button" value="LOGIN"/> OR <input type="button" value="CREATE AN ACCOUNT"/>
Free with Every Domain	Dedicated Servers	



WHOIS

DOMAINS HOSTING CLOUD <sup>NEW</sup> WEBSITES EMAIL SECURITY WHOIS SUPPORT

LOGIN



incomeenginelite.com

Updated 1 second ago

## DOMAIN INFORMATION

Domain: incomeenginelite.com  
Registrar: NameCheap Inc.  
Registration Date: 2016-12-28  
Expiration Date: 2018-12-28  
Updated Date: 2018-01-24  
Status: clientTransferProhibited  
Name Servers: gina.ns.cloudflare.com  
stan.ns.cloudflare.com

## REGISTRANT CONTACT

Name: WhoisGuard Protected  
Organization: WhoisGuard, Inc.  
Street: P.O. Box 0823-03411  
City: Panama  
State: Panama  
Country: PA  
Phone: +507.8365503  
Fax: +51.17057182  
Email: c48388d5432e40fbba5b94cb35f4c4ec.protect@whoisguard.com

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City: Panama  
State: Panama  
Country: PA  
Phone: +507.8365503  
Fax: +51.17057182  
Email: c48388d5432e40fbba5b94cb35f4c4ec.protect@whoisguard.com

## TECHNICAL CONTACT

Name: WhoisGuard Protected  
Organization: WhoisGuard, Inc.  
Street: P.O. Box 0823-03411  
City: Panama  
State: Panama  
Country: PA  
Phone: +507.8365503  
Fax: +51.17057182  
Email: c48388d5432e40fbba5b94cb35f4c4ec.protect@whoisguard.com

## RAW WHOIS DATA

Domain name: incomeenginelite.com  
Registry Domain ID: 2085467855\_DOMAIN\_COM-VRSN  
Registrar WHOIS Server: whois.namecheap.com  
Registrar URL: http://www.namecheap.com  
Updated Date: 2018-01-24T17:45:12.00Z  
Creation Date: 2016-12-28T14:49:37.00Z

Sale

.live

~~\$23.88~~ \$1.98

BUY NOW

\*Offer ends 31st July 2018

Hot Deals!

.news

.NEWS @ \$6.88 ~~\$23.88~~

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WORDPRESS  
HOSTING

\$3.58 /mo

BUY NOW



Registrar Registration Expiration Date: 2018-12-28T14:49:37.00Z  
 Registrar: NAMECHEAP INC  
 Registrar IANA ID: 1068  
 Registrar Abuse Contact Email: [abuse@namecheap.com](mailto:abuse@namecheap.com)  
 Registrar Abuse Contact Phone: +1.6613102107  
 Reseller: NAMECHEAP INC  
 Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>  
 Registry Registrant ID:  
 Registrant Name: WhoisGuard Protected  
 Registrant Organization: WhoisGuard, Inc.  
 Registrant Street: P.O. Box 0823-03411  
 Registrant City: Panama  
 Registrant State/Province: Panama  
 Registrant Postal Code: 0  
 Registrant Country: PA  
 Registrant Phone: +507.8365503  
 Registrant Phone Ext:  
 Registrant Fax: +51.17057182  
 Registrant Fax Ext:  
 Registrant Email: [c48388d5432e40fb5b94cb35f4c4ec.protect@whoisguard.com](mailto:c48388d5432e40fb5b94cb35f4c4ec.protect@whoisguard.com)  
 Registry Admin ID:  
 Admin Name: WhoisGuard Protected  
 Admin Organization: WhoisGuard, Inc.  
 Admin Street: P.O. Box 0823-03411  
 Admin City: Panama  
 Admin State/Province: Panama  
 Admin Postal Code: 0  
 Admin Country: PA  
 Admin Phone: +507.8365503  
 Admin Phone Ext:  
 Admin Fax: +51.17057182  
 Admin Fax Ext:  
 Admin Email: [c48388d5432e40fb5b94cb35f4c4ec.protect@whoisguard.com](mailto:c48388d5432e40fb5b94cb35f4c4ec.protect@whoisguard.com)  
 Registry Tech ID:  
 Tech Name: WhoisGuard Protected  
 Tech Organization: WhoisGuard, Inc.  
 Tech Street: P.O. Box 0823-03411  
 Tech City: Panama  
 Tech State/Province: Panama  
 Tech Postal Code: 0  
 Tech Country: PA  
 Tech Phone: +507.8365503  
 Tech Phone Ext:  
 Tech Fax: +51.17057182  
 Tech Fax Ext:  
 Tech Email: [c48388d5432e40fb5b94cb35f4c4ec.protect@whoisguard.com](mailto:c48388d5432e40fb5b94cb35f4c4ec.protect@whoisguard.com)  
 Name Server: gina.ns.cloudflare.com  
 Name Server: stan.ns.cloudflare.com  
 DNSSEC: unsigned  
 URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>  
 >>> Last update of WHOIS database: 2018-07-22T19:25:21.01Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

## related domain names

[namecheap.com](#) [icann.org](#) [cloudflare.com](#) [whoisguard.com](#) [internic.net](#)

### Domains

Register Domain Name  
 Transfer Domain Name  
 View Domain Pricing  
 Bulk Domain Register  
 Whois Lookup  
 Name Suggestion Tool  
 Free with Every Domain  
 Domain Offers

### Infrastructure

### Hosting & Products

Linux Hosting  
 Windows Hosting  
 Wordpress Hosting  
 Linux Reseller Hosting  
 Windows Reseller Hosting  
 Virtual Private Servers  
 Dedicated Servers  
 Managed Servers  
 Cloud Hosting  
 Website Builder

Follow us



Enter a Domain Name



LOGIN

OR

CREATE AN ACCOUNT

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## EXHIBIT P





# Office of the County Clerk

MONROE COUNTY, NEW YORK

*June 28, 2018*

*Mr. Clinton Strange  
7021 Windburn Dr.  
Greenwood, LA 71033*

*Dear Mr. Strange*

*All we could find regarding Ortiz Capital was a DBA filed in 2013. We are sending you a telephone number for the NYS Dept. of state where Corporations as well as LLC are filed.*

*Monroe County Customer Service*



Cheryl Dinolfo  
County Clerk

## HOW TO FILE A DBA (Doing Business As) CERTIFICATE ALSO KNOWN AS ABN (Assumed Business Name)

1. Visit the Monroe County Clerk's Office at 39 West Main Street, Room 101 of the County Office Building, Monday through Friday from 9:00 a.m. until 5:00 p.m.
2. File your business name with a cashier. **A driver's license or a non-driver's ID is required to notarize your signature.**
3. The fee for filing a DBA is \$25.00 plus \$5.00 for a certified copy. The form fee is an additional \$3.00 for a sole proprietorship or \$4.00 for a partnership. **Cash, Visa, MasterCard, money order or a check made payable to "Monroe County Clerk's Office" will be accepted for the fees.** You will also receive a non-certified copy for your records.
4. **When Starting a Corporation:** These papers are filed through the NYS Department of State. **Religious Corporations** may be filed with the Monroe County Clerk's Office. It is recommended that you work with an attorney if you wish to incorporate. For forms and more information, contact the Department of State, Division of Corporations, State Records and Uniform Commercial Code, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231 (518-474-8642) or by visiting their website at [www.dos.state.ny.us](http://www.dos.state.ny.us).
5. For questions regarding New York State Tax requirements, call the New York State Tax Department at 800-698-2909 or visit them online at [www.nystax.gov](http://www.nystax.gov).
6. To obtain information regarding New York State required permits and licenses, contact the Office of Business Permits and Regulatory Assistance (OBPRA) at 800-342-3464.
7. To obtain information regarding local permits and licenses, contact City Hall or your Town Hall.
8. To obtain information regarding Federal Taxes and Federal Employer Identification Number, visit the IRS office located at 255 East Avenue or call 800-829-1040.

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

Return To:

Receipt # 830315

Index DBA

Book Page

No. Pages : 2

Instrument DOING BUSINESS AS FILED

Date : 01/17/2013

Time : 12:29:50PM

ORTIZ CAPITAL

Control # 201301170483

ORTIZ, OSCAR T III

DBA # D2013000180

Employee : KathyB

COUNTY FEE DBA FILED \$ 25.00

Total \$ 25.00

State of New York

MONROE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERKS  
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &  
SECTION 319 OF THE REAL PROPERTY LAW OF THE  
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

CHERYL DINOLFO

MONROE COUNTY CLERK



FI182-201301170483-2

FILED



Office of the  
**Monroe**  
**County Clerk**

2013 JAN 17 PM 12:35

MONROE COUNTY CLERK

**CERTIFICATE OF INDIVIDUAL  
DOING BUSINESS UNDER ASSUMED NAME**

It is hereby certified that:

☒ New  
☐ Amended

The undersigned is transacting business at 33 Gentry Circle  
City of Rochester Zip Code 14626 County of Monroe State of New York  
under the name of Chibi Capital

The full name of the undersigned is: OSCAR ORTEGA III  
and his/her residence is 33 Gentry Circle  
City of Rochester Zip Code 14626 County of Monroe State of New York.

I further certify that I am successor and interest to \_\_\_\_\_

This certificate is executed and filed pursuant to Section 130 of the General Business Law.

Dated: 1/17/13

[Signature]  
(Signature)

STATE OF NEW YORK )  
COUNTY OF MONROE ) ss.  
Oscar Ortega III of Rochester

On this 17 day of Jan, in the year two thousand 13 before me, the subscriber,  
personally appeared Oscar Ortega III to me personally known to be  
the same person described in and who executed the foregoing instrument, and he/she acknowledged that he/she  
executed the same.

Kathleen A. Brennan  
Special Deputy Clerk

## EXHIBIT Q

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through June 22, 2018.

Selected Entity Name: ORTIZ CAPITAL LLC

Selected Entity Status Information

**Current Entity Name:** ORTIZ CAPITAL LLC

**DOS ID #:** 5118359

**Initial DOS Filing Date:** APRIL 11, 2017

**County:** MONROE

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

ORTIZ CAPITAL LLC

151 KIM LANE

ROCHESTER, NEW YORK, 14626

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by viewing the certificate.

**\*Stock Information**

**# of Shares**

**Type of Stock**

**\$ Value per Share**

No Information Available

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
APR 11, 2017	Actual	ORTIZ CAPITAL LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

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[Homepage](#) | [Contact Us](#)

## EXHIBIT R



[School Tax Bill](#) | [Combined Town and County Tax Bill](#) | [Current School Transaction Summary](#) | [Combined Town and County Transaction Summary](#)

Normal ▾ Change

Ownership Information			
SWIS Code/Account #	Owner Name	Property Address	Mailing Address
262800 059.03-8-65	ORTIZ, OSCAR T. III ORTIZ, SHARON P.	151 KIM LN ROCHESTER, NY 14626	151 KIM LN ROCHESTER, NY 14626

Legal Description	True Tax Town/County	True Tax School
L8 T2 D1 SHORT RANGE THE MEADOWS S5 231-11 L519	\$2,464.53	\$2,981.09

Tax Due Summary - Town / County									
Tax Year	Original Tax	Tax Sale Lien Sold	Penalties and Interest	Fees	Total Due	Delinquent	Bankruptcy	Foreclosure	3RD Party Lien

For details on your Town/County Tax please click the 'Tax History' Button.

Tax Due Summary - School						
Tax Year	Original Tax	Re-Lever to Town/County Bill	Interest	Service Charge	Total Due	Bankruptcy

For details on your School Tax please click the 'Tax History' Button.

<a href="#">Property Detail</a>	<a href="#">Tax History</a>	<a href="#">Payment History</a>	<a href="#">Address Search</a>
---------------------------------	-----------------------------	---------------------------------	--------------------------------

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## EXHIBIT S

Clinton Strange  
7021 Winburn Drive  
Greenwood, LA 71033  
318-423-5057

[CaddoBossierRefrigeration@gmail.com](mailto:CaddoBossierRefrigeration@gmail.com)

---

Greetings ORTIZ CAPITAL, LLC;

Or Defense Counsel:

Please stop calling SMS-mms SPAM TEXTING my cellphone # 318-423-5057 to limit your statutory damages in an action I am contemplating bringing against your entity for willful violations of the TCPA, and the Truth in Caller ID Act of 2009 in the U.S. District Court for the Western District of Louisiana.

I am at this time requesting in writing a copy of your entity's "do-not-call-policy". Failure to provide with me with this

document by Certified-Mail within 30 days at the address above could result in trebled willful violations of the TCPA. I am registered on the Federal Do-Not-Call Listing. I have never consented to be contacted by your entity. I have been called/SMS text spammed in excess of 5 times by your entity.

You can verify this with your in-house marketing department or 3<sup>rd</sup> party marketing agency to confirm the allegations that I have made in this communication.

The time to begin discussion is now as I plan to move forward on 7-17-2018. You may contact me via mail or e-mail. You may also call me for the purposes of settlement communications only.

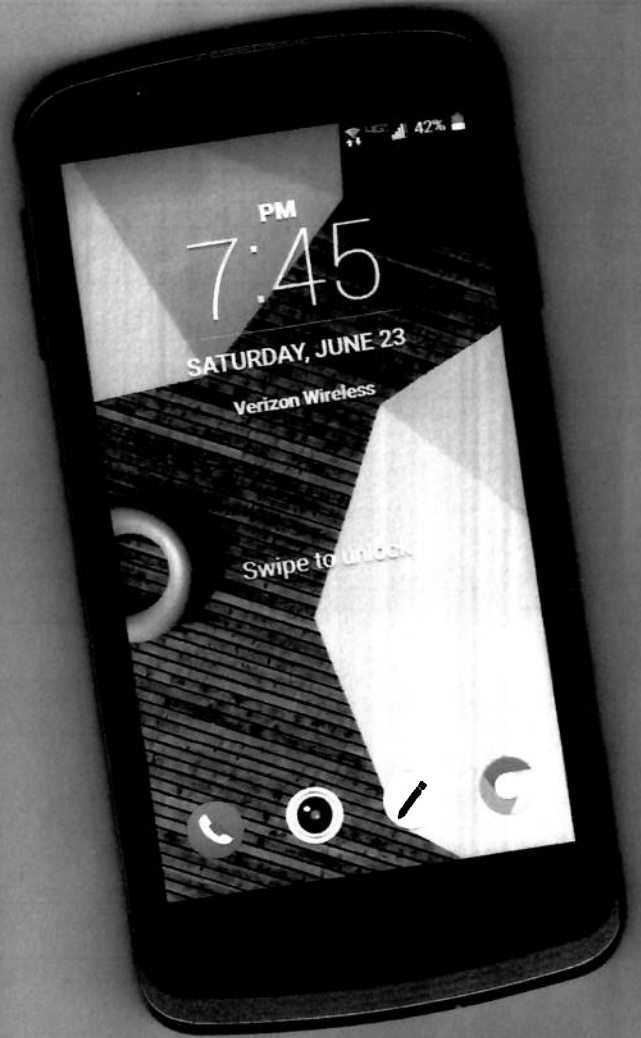
Regards,

x Mailed 6-23-18

Clinton Strange

Clinton Strange  
7021 Winburn Dr  
Greenwood, LA 71033

ORTIZ CAPITAL, LLC  
151 Kim Lane  
Rochester, NY 14626



## CIVIL COVER SHEET

18 CV 6570 FPG

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

CLINTON STRANGE

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

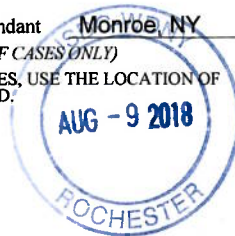
## DEFENDANTS

ORTIZ CAPITAL, LLC  
OSCAR ORTIZ III

County of Residence of First Listed Defendant Monroe, NY  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)



## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 USC 227

Brief description of cause:

RESTRICTIONS ON THE USE OF TELEPHONE EQUIPMENT

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
7,500.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/06/2018

SIGNATURE OF ATTORNEY OF RECORD

Pro Se X

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE